1997

WHAT ABOUT THE FDA ????

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FDA REGULATIONS: TOPLINE

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FDA Regulations Impact on Trade if Implemented :

Rules Effective February 28, 1997

- ***Minimum Sales Age*** - Retailers may not sell cigarettes or smokeless tobacco to anyone under 18 years of age
- ***Proof of Age*** - Retailers must verify by photo ID that any person purchasing cigarettes or smokeless tobacco is at least 18 years of age. Customers over 26 years of age do not need to be asked to verify age. Age does not need to be verified in facilities that are off-limits to persons under 18 years of age.

Rules Effective August 28, 1997

- ***Self-Service Display Ban*** - Retailers may not offer cigarettes and smokeless tobacco from self-service displays, except in facilities where persons under 18 years of age (including employees) are not permitted.
- ***Vending Machine Ban*** - Retailers may not sell cigarettes or smokeless tobacco from vending machines, except in facilities where persons under 18 years of age (including employees) are not permitted.
- ***No Breaking Packs*** - Retailers may sell cigarettes only in unopened packages containing at least 20 cigarettes or in cartons. Retailers may sell smokeless tobacco only as packaged by the manufacturer.
- ***Mail-Order Sales*** - Retailers may fill mail-order requests, but may not redeem coupons sent by mail.
- ***Exterior Signage*** - Retailers within 1000 feet of a playground or school may not display exterior or outdoor advertising for cigarettes or smokeless tobacco. Permitted advertising must be black text on white background.

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FDA Regulations Impact on Trade if Implemented :

Rules Effective August 28, 1997 (cont'd)

- ***Interior Advertising*** - All point-of-sale advertising in any form for cigarettes or smokeless tobacco is in a black text on a white background format, except in facilities where persons under 18 years of age (including employees) are not permitted. For "adult only" facilities, interior advertising may be in color and use imagery provided the advertising is attached to an interior wall or fixture and is not visible from the outside.

- ***Established Name/Intended Use Statement*** - Each advertisement for cigarettes or smokeless tobacco must carry the product's "established name" and "intended use" -- "Cigarettes -- a Nicotine-Delivery Device for Persons 18 or Older".

- ***No Branded Merchandise*** - The retailer or manufacturer may not sell or give away non-tobacco merchandise bearing a cigarette or smokeless tobacco brand name or logo.

- ***No Free Samples*** - Coupon redemption is permitted in face-to-face transactions, but retailers and manufacturers may not give cigarettes or smokeless tobacco away as free samples.

- ***Non-Complying Items*** - No piece of current advertising complies with the FDA regulation.

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